

JUDGE LEISURE
706503

07 CV 4836

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BALTA US INC.,

07 Civ.

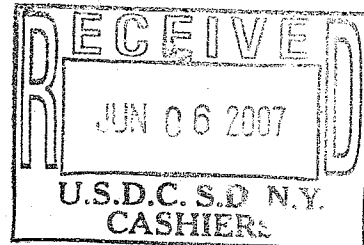
Plaintiff,

-against-

COMPLAINT

STAR SHIPPING A/S, M/S STAR
HANSA, her engines, boilers,
etc., TRANSPAC CONTAINER
SYSTEM LTD. doing business
as BLUE ANCHOR LINE, and
KUEHNE & NAGEL, INC.,

Defendants.
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Plaintiff, Balta US Inc., by its attorneys, Tell,
Cheser & Breitbart, as and for its complaint against defendants,
respectfully states upon information and belief as follows:

1. This is an admiralty and maritime claim within
the meaning of Rule 9(h) of the Federal Rules of Civil
Procedure.

2. Plaintiff Balta US Inc. is a corporation
organized and existing under and by virtue of the laws of one of
the states of the United States with an office and place of
business at 200 Munkata Drive, Dalton, Georgia 30721, and
brings this action for itself, the shipper, owner, consignees,
holders of the subject bills of lading, and subrogated insurer.

3. Defendant Star Shipping A/S is a corporation organized and existing under and by virtue of the laws of a foreign sovereign with an office and place of business at 200 Galleria Parkway, Atlanta, Georgia 30339.

4. Defendant Transpac Container System Ltd. doing business as Blue Anchor Line is a corporation organized and existing under and by virtue of the laws of a foreign sovereign with an office and place of business at 10 Exchange Place, Jersey City, New Jersey 07302.

5. Defendant Kuehne & Nagel, Inc. is a corporation organized and existing under and by virtue of the laws of New York with an office and place of business at 10 Exchange Place, Jersey City, New Jersey 07302.

6. At and during the times herein mentioned, defendant Star Shipping A/S was and still is engaged in business as a common carrier of merchandise by water for hire, and a bailee of cargo, and owned, operated, managed, chartered and/or otherwise controlled the vessel M/S Star Hansa.

7. At and during the times herein mentioned, all defendants were engaged in business as common carriers of merchandise for hire, and as bailees of cargo.

8. All conditions precedent required of plaintiff and its predecessors in interest have been performed.

AS AND FOR A FIRST CAUSE OF ACTION

9. Plaintiff repeats and reiterates paragraphs "1" through "8."

10. On or about January 28, 2006, at the port of Antwerp, a certain shipment consisting of 60 rolls of carpeting in container GATU845904-2 was shipped on board the vessel M/S Star Hansa pursuant to Star Shipping S/A bill of lading number SSHF602ANRLAX005 for transportation to the port of Los Angeles and thence to consignee Belle Marmick Inc. at Gardena, California.

11. The shipment was in good order and condition when it was delivered to defendants and the aforementioned vessel, defendants accepted the shipment in consideration of agreed freight charges, and defendants promised to transport the shipment to Los Angeles and thence to Gardena, California and deliver it to the consignee in the same good order and condition as when first received at the port of Antwerp.

12. The shipment was discharged from the M/S Star Hansa at Fernandina Beach, Florida, transferred to container FSCU6373865, and transported to Gardena, California.

13. When the shipment was delivered in Gardena, California it was not in the same good order as when first received in Antwerp; instead the shipment was delivered in

substantially damaged condition in violation of defendants' obligations and duties as common carriers and bailees of cargo.

14. By reason thereof, plaintiff has sustained damages in the amount of \$29,622.87, no part of which has been paid although duly demanded.

AS AND FOR A SECOND CAUSE OF ACTION

15. Plaintiff repeats and reiterates paragraphs "1" through "8."

16. On or about January 28, 2006, at the port of Antwerp, a certain shipment consisting of 1,136 carpets in container FSCU6177712 was shipped on board the vessel M/S Star Hansa pursuant to Star Shipping S/A bill of lading number SSHF602ANRLAX011 for transportation to the port of Los Angeles and thence to consignee Square Yard Inc. at Las Vegas, Nevada.

17. The shipment was in good order and condition when it was delivered to defendants and the aforementioned vessel, defendants accepted the shipment in consideration of agreed freight charges, and defendants promised to transport the shipment to Los Angeles and thence to Las Vegas, Nevada and deliver it to the consignee in the same good order and condition as when first received at the port of Antwerp.

18. The shipment was discharged from the M/S Star Hansa at Fernandina Beach, Florida, transferred to container FSCU9477435, and transported to Gardenia, California.

19. When the shipment was delivered in Las Vegas, Nevada it was not in the same good order as when first received in Antwerp; instead the shipment was delivered in substantially damaged condition in violation of defendants' obligations and duties as common carriers and bailees of cargo.

20. By reason thereof, plaintiff has sustained damages in the amount of \$48,376.38, no part of which has been paid although duly demanded.

Wherefore, plaintiff prays:


1. That process in due form of law may issue according to the practice of this Court.

3. That process in due form of law according to the practice of this Court in causes of admiralty and maritime claims may issue against the aforesaid vessel.

4. That judgment be entered in favor of plaintiff against the defendants in the amount of \$29,622.87 on the first cause of action, and in the amount of \$48,376.38 on the second cause of action, for a total of \$77,999.25, together with interest, costs and disbursements.

Dated: Garden City, New York
June 5, 2007

Tell, Cheser & Breitbart
Attorneys for Plaintiff

By: 
Kenneth R. Feit (KF1742)

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Garden City, New York 11530
(516) 535-1550

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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07 Civ.

Plaintiff,

-against-

STAR SHIPPING A/S, M/S STAR
HANSA, her engines, boilers,
etc., TRANSPAC CONTAINER
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KUEHNE & NAGEL, INC.,

Defendants.

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COMPLAINT

TELL, CHESER & BREITBART
320 OLD COUNTRY ROAD
GARDEN CITY, NEW YORK 11530
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